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Printed on a vo
Conf Pam #639
D99103607Z

REMARKS

ON A

VOLUNTEER NAVY.

BY A GEORGIAN.

ATLANTA, GEORGIA:

INTELLIGENCER STEAM POWER PRESSES.

1864.



George Washington Flowers
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REMARKS ON A VOLUNTEER NAVY.

THE object of this pamphlet is to encourage the organization of a Navy for the Confederate States. I address myself to the men of intelligence, common sense and enterprise of the country, and, therefore, I shall not attempt to review the whole vast field which this magnificent subject presents, but shall content myself with suggestions, trusting to the patriotism of the reader to digest and elaborate the views herein presented. I also trust that each man who honors these pages with a perusal, will do so with the questions constantly before his mind: "Is there any thing I can individually do to accomplish the object proposed? Shall not I, *myself*, without delay, work, and undertake, and risk; shall I not sacrifice, if need be, to obtain for my country a Navy?"

That the country needs a Navy, needs only to be stated to be acknowledged as true. For every man who has read history at all, knows that such are the habits of thought, prevalent amongst mankind, that the possession of an efficient naval force is recognized by the people of the world, and especially by Europeans, as evidence of national establishment. Reflecting men, also, perceive that it is the most powerful and efficient arm of strength we can put in force against our obdurate enemy.

Reader, my proposition, plainly stated, is this. Without either reflections or fault-finding, you should encourage the Government to use every effort in its power to make progress in the work commenced by the authorities, and you, each one of you, should enter upon the work and do all you can to render needful assistance. It may be easier for you, each, to say, any thing I could do would be but little and unavailing—this is the work of Governments—the Government has failed in duty in not organizing a great Navy.—But this passive activity, in censoriousness, does not lead to success. It is not what your cause needs. You must popularize this subject. The millions now being accumulated in private hands, and in too many cases hoarded, must be energized for the country. The Cotton lying all over the Confederacy, awaiting the arrival of the enemy to seize upon

and confiscate it, must be applied to the work. If you would win success you must organize your capital, and do so without delay.

There is a species of pride in Southern society, which the sooner you discard the better for us all. Do not any longer despise the day of small things. Do not hesitate to enter upon this work, because in a day you cannot have a Navy as great as that of England. Remember that when each does a little and many act, when all that is done is aggregated, the result is that much is accomplished. The law of success, in all enterprises, is, that you must commence, make progress, and succeed. If you commence in this matter, whether it be with a merchant vessel, a privateer, or an iron clad man-of-war, the condition of your country is improved. If you progress by putting afloat another vessel of any kind, you approach nearer the accomplishment of your laudable object, each step of progress facilitating every succeeding step. You should also bear in mind that by any effort you may make in this matter, our condition as a nation cannot, in any event, be rendered worse. Do you hesitate to put your Cotton afloat, because you apprehend the enemy will capture it? They are capturing it on land, wherever and whenever they can. Do you hesitate to embark your money or securities? You already have a redundancy of these in the country; more than you have things to buy with them; insomuch that internal commerce, like a canibal, has commenced to prey upon herself, and the engrosser is the successful speculator. If such vessels as you may put afloat are liable to be captured by the enemy, so also are your funds and securities at home liable to capture or to confiscation. Indeed, all you have hangs upon the issue of this revolution. It is bold to act. It is folly to fold your arms. Therefore act prudently, but adventurously and courageously in the premises.

The enterprises contemplated, and to which you are invited, are not contraband. They are legitimate. The merest tyro in the law of nations, knows that all such merchantmen as you may equip may legitimately sail on the high seas, subject only to the chances of seizure and condemnation as prizes by the enemy. But can you legitimately equip privateers? I answer, yes; and that, in the event the men who sail on them are so unfortunate as to be taken prisoners, they will be held as prisoners of war. The Confederate Government, by authority of which every right you possess is protected, has so declared it. The Act of Congress, approved April 18, 1863, provides that the President

shall receive into the service of the Government private armed vessels, to be organized into a volunteer Navy, and to appoint and commission officers for the same, with the single limitation upon the parties furnishing them, that the ship they offer shall not be less than one hundred tons burthen. The act gives to the owners the right of presenting the ship manned and officered, reserving to the President the right to examine into their fitness, and confirm or reject the choice they may make. The vessels thus manned and officered, in accordance with the details in the law provided, are authorized to seize, capture or destroy, upon the sea and within the ebb and flow of the tide, all vessels and property of the United States, and of the citizens thereof; and in addition to the regular pay provided for the sea service, ninety *per cent.* of the value of all such captures, less the cost of adjudication, accrues to the owners, officers, and crews of the vessels making such captures, and is to be distributed amongst them either as they may agree, or else upon terms fixed in the act. The law further provides compensation for all Government vessels of the United States which may be seized, captured or destroyed; and sets apart the ten per cent. not distributed as a fund to support such as may be wounded or disabled in service, and the widows and orphans of those who may be slain. This law of itself contains sufficient authority for every true hearted Confederate. But it is not alone to this or to any other acts of our own Government that you may look for vindication. In case of capture, the men who sail on privateers can be deprived of the rights, privileges and immunities of prisoners of war, alone on the ground of being considered pirates, because engaged in making captures on the high seas. But captures of the enemy's property on the high seas are considered, in international law, not only as legitimate, but as laudable. I present you a brief exposition, sustained by United States and by English authorities. Chancellor Kent says: "There is a marked difference in the rights of war, carried on by land and by sea. The object of maritime warfare, is the destruction of the enemy's commerce and navigation, in order to weaken and destroy the foundation of his naval power." He informs us that the Legislature of New York, in 1812, passed an act to promote privateering associations, "for the purpose of annoying the enemy and injuring their commerce." This is the accepted doctrine on the subject. Efforts have been made of late years to change the law, but without practical fruits. The intelligent mind readily perceives, that whilst the Paris declarations of 1856

abolished privateering, as between the nations who were parties thereto,* they yet recognized this doctrine. Since then the British Parliament have had much discussion on the subject. In 1860, the Shipping Committee reported that, in their opinion, the time had arrived when "all private property, not contraband of war, should be exempt from capture at sea." On the 18th of February, 1861, an inquiry having been addressed to the Government to ascertain whether any steps had been taken to carry out the recommendation of the committee, Lord John Russell, in response, said he "perceived difficulties in the details involved in the proposition which would be insurmountable," thus characterizing the idea as impracticable. On the 11th of March, 1862, Mr. Horsfall, member for Liverpool, moved in the House of Commons to abolish mercantile captures at sea. In his speech, referring to the Paris declaration, he said: "We must either go back, or we must go forward.—As to privateering, great injustice had been done Americans. They would not give it up unless the great powers of Europe would consent to take the still wider ground that all private property should be free." Many members of Parliament, including the greatest minds in England, expressed themselves against the proposition. Lord Palmerston said, amongst other things, that "his opinion distinctly was, if you give up that power which you possess, and which all maritime States possess and have exercised—of taking the ships, the property and the crews of the nation with whom you may happen to be at war—you would be crippling the right arm of our strength! You would be inflicting a blow upon our naval power, and you would be guilty of political suicide." Mr. Moncrieff, Lord Advocate of Scotland, said: "The principles advanced by the supporters of the resolution, would necessarily lead to the abolition of blockades.—The rules of war entitle us to destroy our enemy's commerce. If we give up that right, could we then maintain the right of blockade, which is an infinitely stronger interference with private property than the right of capture at sea?" In submitting a very able argument on the question, Sir Roundell Palmer, the Queen's Solicitor General, said: "He dreaded to think what might be the effect of admitting a principle of a political war and a commercial peace. The mercantile class should not be deprived of their general interest in the maintenance of peace! What," he asked, "is the greatest check we have against unjust and unnecessary wars? Is it

* The United States, as also the Confederate States, have declined to acquiesce in the declaration abolishing privateering.

not the burdens they impose? If a system were introduced which would admit of carrying on war without those burdens, can it be supposed that the interest of merchants would be the same as now, in preventing war or in bringing about the restoration of peace?" What more appropriate questions for you than these? The merchants of the enemy are growing rich on this war—they revel in the immunity of their trade; and gathering riches from the four quarters of the globe without molestation, they rather pray that the war shall continue, and contend in the counsels of our enemies, not for the restoration of peace, but for the restoration of strife! Will you not wake up to this great fact and put in force, against the merchant princes of the North, this wholesome principle of captures by sea? Behold, my countrymen, the path to peace. Walk ye in it! After much debate Mr. Horsfall's resolution was withdrawn, thus leaving the great principle reaffirmed and settled by the leading minds of England as late as 1862, since this war commenced, that maritime captures are not only legitimate, but commendable and most efficient for the production of peace between belligerents.

You, therefore, are at liberty to consider the principle established. What difference then does it make whether the captures are made by national vessels of war or by private armed vessels sailing in commission? None. Actually and practically, none whatever. In an article on this subject, dated July 4th, 1812, Mr. Jefferson asks: "What difference to the sufferer is it that his property is taken by a national or private armed vessel? Did our merchants who have lost nine hundred and seventeen vessels by British captures, feel any gratification that the most of them were taken by his Majesty's men-of-war? Were the spoils less rigidly exacted by a seventy-four gun ship, than by a privateer of four guns; and were not all equally condemned?" He then proceeds to appeal to the people to organize privateers.—"Our national ships," says he, "are too few in number to give employment to one-twentieth part of them, (the seamen,) or retaliate the acts of the enemy, but by licensing private armed vessels the whole naval force of the nation is truly brought to bear on the foe, and while the contest lasts, that it may have the speedier termination, let every individual contribute his mite, in the best way he can, to distress and harrass the enemy, and compel him to peace. In June, 1812, the Committee on Foreign Relations, John C. Calhoun, chairman, reported a bill declaring war against England, authorizing the President to use the whole land and naval

force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or *letters of marque* and general reprisals, against the vessels, goods and effects of England and her subjects. Jas. Madison, President, approved this law on the 18th June, 1812, and issued his Proclamation, countersigned by James Monroe, Secretary of State, in accordance therewith. On the 6th of July thereafter, John Adams, writing to a friend, after he had seen the Act and Proclamation, approved the same in terms of roundest and most emphatic commendation, without one word against privateering.

The situation of our country now, is in exact parallel with that of the United States at the time above referred to, (1812.) I am authorized, by facts known to me, to state that we have the seamen as good as ever went down to the great sea. We also have within our limits the idle capital, the proper use of which will result in our obtaining the ships. Will you not then be as wise, in this your day and generation, as your fathers were in 1812? Behold what they accomplished! History* informs us that the British entered that contest with a Navy of one thousand and sixty men-of-war; eight hundred of which were in commission, and were effective cruising ships or vessels. The United States had but seven effective frigates, with some twelve or fifteen sloops-of-war. The war lasted two and one-half years, and the result was, that Great Britain lost about two thousand ships and vessels of every description, including men-of-war and merchantmen. Eighteen hundred sail are recorded as having been taken, burnt, sunk, or destroyed. At least two hundred more, not including captures made on the great lakes, were destroyed and not reported. Against this immense destruction of the British Navy, the American loss, after the war commenced, was about five hundred sail. Within the short space of two and a half years, with a beginning of only seven frigates and fifteen sloops, the people put afloat two hundred and fifty-two privateers, sailing under Government commission and *letters of marque*.

What encouragement there is in this record for you?—Have you not a nucleus to organize upon? Are not Semmes and Maffit afloat? Have you not more than seven armed ships at work? Are you not rich in the means, if you would only use them? Are not the very vessels with which some of you run the blockade, the best ships that could be put afloat for these purposes? Do they not stand ready prepared to take the place of the famous Baltimore clippers of

* Cooper's Naval History. Coggeshall's History of Privateers.

1812? Can they not outrun and escape from the vessel they cannot whip; and is not that the style of vessel you want for a successful privateer? Have not many captures already been made? Are you not informed by last advices from Semmes, that his vessel alone has already made not less than fifty-three captures? Have not your privateers already, virtually, invaded Boston, and New York, and Philadelphia? Have they not caused insurance to be doubled, and even rendered it difficult to obtain in many instances? Will you not assist your bold seamen afloat, and reinforce them until the money lords of the North, instead of gloating over your ruin, in the gratification of voracious avarice, shall tremble in the knees like Belshazzar?

For the purpose of obtaining vessels any and all means, giving promise of success, should be resorted to. We must build, or buy, or capture ships, both large and small—as well merchantmen as vessels of war—for we need vessels of all kinds, and of all sizes and descriptions; and if we cannot get large vessels we should get small ones, and make the best use we can of them. The Government should work openly and secretly. Every citizen who can bring aught of means, or aught of skill and labor, or of perseverance to the work, should be up and active. No man should leave any effort or sacrifice untried until, by a strong, persistent, patient, energetic effort, this great national good becomes an accomplished fact.

Some men of first class capacity, hold that it is practicable for us to build ships and send them to sea from our own ports. Without dissenting from this proposition, I do not propose to elaborate it, but prefer to present some reflections upon the question of obtaining them by purchase for merchant service, as also of equipping them after being thus obtained for warlike purposes.

You can buy the ships if you will take the trouble to convert your capital, by exchange, into funds acceptable to ship-owners, and paying the price. This is the law of trade. A law resting upon human nature itself, and therefore safe to rely upon. True, you have to peril somewhat in the enterprise, but after you have perilled all, your offering is less than that of your brother standing in the front with his life upon the altar. Is it not?

In this work you can succeed better than your government can. Private parties can act with more secrecy, and with more dispatch. They are subject to less scrutiny and espionage than officers of government; and the law of nations looks more leniently and favorably to enterprises

they may set afoot. Where is there any law of nations against a man purchasing and owning a ship, and sailing her upon the high seas? Subject to the liability to capture by the armed ships of the enemy above referred to, the right is universally recognized as perfect. The question, then, as to merchant vessels is settled. But suppose that by the efforts of the enemy to capture such a ship, while you are engaged in commerce with it, you ascertain that she can elude and escape their grasp—that she is the right build for the service, and conclude, under the act of Congress, to equip her and set her afloat as a privateer—what provision is there in the law of nations to prevent you purchasing the necessary armament in neutral countries? There is none.

Let us briefly review together the law as it stands, both as to obtaining the ships and to equipping them. The nations of Europe have confided to France and England to dispose of the American question. Owing to this fact, and to the peculiar *status* of the United States to us, I shall quote, as before, from the publicists and precedents of these countries, in preference to those of other nations.

I yield that the international law is settled against the purchase, or construction and equipment of men-of-war or privateers upon neutral territory. Efforts have been made to cast censure upon the administration for the failure of their recent experiment in the Mersey. Why, it has been asked, did not the government build these ships on the coast of France; France has no foreign enlistment act? The foreign enlistment act of England is not the cause of our failure there. The law of nations was settled before that act was passed; and the effort of the government in English waters was a bold experiment, which might as well have failed in the waters of France as at the Liverpool docks.

In 1793 the Little Sarah, an English merchantman, had been captured by a French frigate, and was brought into the port of Philadelphia, where she was equipped as a privateer and was about to sail under the name of *Le Petit Democrat*. She was detained by the authorities. About the same time the Jane, an English armed merchantman, augmented her armament in the same port. She was detained, and compelled to be restored to precisely the same situation in which she entered the port, before she was allowed to depart. M. Genet, the Minister of France, also commissioned privateers to sail from the port of Charleston, and M. Duplaine, the Consul of France in Boston, asserted the right there to dispose of prizes. These acts were protested against as violating the sovereignty and neutrality of

the country, and being persisted in, resulted in the withdrawal of the *erequatur* of Duplaine and dismissal of Genet. This course of the United States was submitted to and acquiesced in by France and England as being sustained by the law of nations. Pending these circumstances, General Washington called a meeting of his cabinet. Chief Justice Marshall tells us that Mr. Hamilton, then Secretary of the Treasury, and General Knox, the Secretary of War, urged "that a neutral permitting itself to be made an instrument of hostility by one belligerent against another, becomes thereby an associate in the war." "If land or naval armaments," said they, "might be formed by France within the United States, for the purpose of carrying on war against her enemy, and might return with the spoils taken and prepare new enterprises, it was apparent a state of war would exist between America and those enemies of the worst kind for them." After much deliberation the cabinet agreed upon a declaration which was promulgated to the powers at war, and by them acquiesced in, though complained of as hard by France: "1st. The original arming and equipping of vessels in the ports of the United States, by any of the belligerent parties for military service, offensive or defensive, is deemed unlawful. 2d. The equipment of merchant vessels, purely for the accommodation of either belligerent party, as such, is deemed lawful. 3d, 4th and 5th. Equipments of any vessel, of either of the belligerents, which are doubtful in their nature, as being applicable to commerce or war, are deemed lawful. 6th. Equipments of privateers in any of the ports of the United States, are deemed unlawful." This exposition was then assented to as a true declaration of the law of nations. It has been acted on since that day to the present time, with only occasional and temporary violations in the case of very weak sovereignties. It is now the accepted rule. Therefore it did not require the force of the foreign enlistment act of England to constitute the construction, arming and equipment of ships of war for the Confederate government, in English waters, unlawful. This act is an affirmation of the law of nations, which leaves each State to judge for itself the mode of preserving neutrality, and to judge what steps it may take to preserve and vindicate its own sovereignty. But this exposition declares that it is lawful to obtain and equip merchant vessels for belligerents on neutral territory, and the rule is equally as cogent in one of its provisions as in the other, and is therefore affirmatory of the universally recognized principle above stated, that a man may buy his merchant ship, and sail her

on the high seas, without violating neutrality, and only subject to seizure by the enemy.

Now, I say, that once in possession of the ship for commercial purposes, you can use her at your option for purposes of carrying goods or for those of war, and should you decide to use her for warlike purposes, you can, without violation of the law of nations, obtain the needful armament from neutral ports. All you have to do is to risk capture by the enemy and pay the price. In February, 1862, the O'Donoghue moved in Parliament that the government ought to enforce the Queen's proclamation against furnishing the belligerents with articles contraband of war. Replying for the government Sir Roundell Palmer said: "The only law which enables her Majesty's government to interfere in such cases, is that commonly called the foreign enlistment act, and the whole nature and scope of that act is sufficiently and shortly set out in the title. It is 'An act to prevent the enlistment and engagement of her Majesty's subjects to serve in foreign service, and the fitting out and equipping in her Majesty's dominions, vessels for warlike purposes, without her Majesty's license.' The act does not touch, in any way, private merchant vessels, which may carry cargoes, contraband or not contraband, between this country or any of the dominions of her Majesty, and any port in a belligerent country, whether blockaded or not; and the government of this country, and the government of our colonial possessions, have no power whatever to interfere with private vessels under such circumstances." He proceeds to argue that the persons carrying contrabands of war are, by the law of nations, liable to have the objectionable articles of their cargo seized by the belligerents against whom it is proposed to use them, and that this is the only liability. The noble Lord quotes American authority: "Wheaton, says he, who as everybody knows, has writien one of the most valuable treatises upon the subject that ever was composed, says: 'It is not the practice of nations to undertake to prohibit their own subjects, by previous laws, from trafficking in articles contraband of war. Such trade is carried on at the risk of those engaged in it, under the liabilities and penalties of the law of nations or particular treaties.' Wheaton then goes on to justify the conduct of the United States in not interfering to prevent the supply of arms to Texas, then at war with Mexico, and says: 'The government is not bound to prevent it, and could not have prevented it without a manifest departure from the principles of neutrality, and is in no way answerable for the consequences.'" He

proceeds to vindicate the course of England and of the authorities at Nassau, in permitting articles contraband of war to be exported, and closes with the declaration "that their conduct is consistent with the law of the land, and with the recognized principles and customs of international law, and more especially with those principles as recognized and acted upon by the United States themselves."

If then it be practicable and legitimate for you to get the necessary armaments and equipments, in case you desire to arm them, why stand ye here all the day idle? Would that I could obtain the ear of every man of capital and of enterprise in the country, I would not address him as is the custom of too many, in terms of bitterness or reproach, deeming him a culprit because it has been his fortune to amass money and means whilst his country was in labor, and his countrymen engaged in making sacrifice after sacrifice, but I would approach him as a brother, and appeal to him as a patriot. I would carefully and patiently consider with him the ways and means of succeeding in the organization of a Navy—the great benefit a Navy would be to us in vindicating our independence—and the indispensable necessity of a Navy to our social independence, after we shall have achieved an honorable peace. I feel a faithful conviction that the capitalists of the country will yet show that they are not properly subject to the reflections that we so often hear upon their devotion to the cause. Here is the opportunity for their vindication. I fervently hope they will enter upon it, and let deeds speak for them. Could I but have the ear of the Government, I would not say wake up you that slumber. I would not reproach the Administration that the suggestion made by the Vice-President, early in the war, was not promptly acted upon. Errors have been committed in all ages by the best of men; and reproaches are not needed to correct them, when men have tried and are trying to do their best. I would urge upon the Government the propriety of taking every step, and using every agency to popularize this movement. If this is not the people's revolution, it is nobody's, and will come to naught, and in this matter, emphatically, the Government must work through the people. To one and to all—to the Confederate Government, to the State Governments, to the people throughout the Confederacy, I would say this is our work. Duty does not call to crimination and recrimination, nor to puerile complaints. Let each and every agency therefore, official and individual, do all that possibly can be done, trusting in the God of liberty for ultimate success.

Writing as I do, purely for the success of our cause, and the good of our common country, I do not see proper to divulge who I am. Patriots will take the suggestions contained in these pages and reflect upon them; and I hope soon to see, throughout the land, a full and thorough awakening to the important subject presented, resulting in PRACTICAL ACTION. All that may be said without action, is worthless. Feeling assured of this, I have already, in connection with others, entered upon the field to which I invite the reader. I will not say how, when or where I and my immediate associates propose to operate, for reticence on these points is an element of success. One thing however, I will pledge that, so far as my humble capacities and means will allow, I will try to do as much as he, amongst you, who does most. Hoping that like emulation will inspire every true Confederate bosom, I subscribe myself

A GEORGIAN.

AN ACT TO ESTABLISH A VOLUNTEER NAVY.

The Congress of the Confederate States of America do enact, That the President of the Confederate States is hereby authorized to receive into the service of the Government private armed vessels, to be organized into a volunteer Navy, and to appoint and commission officers for the same, who shall serve during the war, unless sooner discharged, under rules and regulations hereinafter prescribed, and such as may hereafter be established: *Provided, however,* That no vessel of less capacity than one hundred tons shall be received into said volunteer service.

SEC. 2. Any person or persons applying for service under this act, shall arm, man, provide and furnish the vessel or vessels to be used at his or their own expense, and shall furnish in writing to the Secretary of the Navy the name, armament and character of such vessel or vessels, and the names of the persons to be commissioned and warranted as officers, with the evidence of their character and fitness for the service; and, if in the judgment of the President, the vessel or vessels shall be fit for the service, and the parties named as the officers, be worthy to command, the President shall be authorized to receive such vessel or vessels into the volunteer Navy of the Confederate States of America, and

to commission the officers for the same to serve during the war, unless sooner discharged.

SEC. 3. The grades of commissioned officers of the volunteer Navy, shall be as follows: commander, first lieutenant, second lieutenant, assistant surgeon, and first and second assistant engineers. And the President may direct the Secretary of the Navy to issue warrants to such masters, boat-swains, gunners, carpenters, and sailmakers, as he may deem necessary for such service, and the pay of the officers and crew shall be as follows: For a commander, twenty-five dollars per month; for a first lieutenant, twenty dollars per month; for a second lieutenant, fifteen dollars per month; for an assistant surgeon, fifteen dollars per month; for an assistant engineer, fifteen dollars per month; for a second assistant engineer, ten dollars per month; for warrant officers, ten dollars per month; for seamen, five dollars per month; but such pay shall be given only for sea service.— And the President may prescribe a uniform for the officers and seamen; and when any vessel or vessels shall be prepared for service and received under the provisions of this act, it or they shall be under the control and direction of the President; and subject to all the laws, rules and regulations of the regular Navy of the Confederate States, except as otherwise provided for in this act. It shall be the duty of the commander of every such vessel to transmit to the Secretary of the Navy, as early as practicable after the organization of his crew, a descriptive list thereof, together with a duplicate of their shipping articles or enlistment rolls, and of the contract between owners, officers, and crew, for the division of prize money.

SEC. 4. That the vessels of the volunteer Navy are authorized to seize, capture and destroy upon the sea, or within the ebb and flow of the tide, all vessels and property of the United States, and of the citizens thereof; and ninety per cent. of the value of all such captures, less the costs and expenses of adjudication, shall be forfeited and accrue to the benefit of the owners, officers and crews of the vessels making such captures; and all vessels and property captured as aforesaid, shall be proceeded against and adjudicated, as in other cases of prizes, under the laws of the Confederate States, which are hereby extended over the same; and the proceeds accruing from such condemnations shall be distributed under orders of the court having jurisdiction thereof, according to the written agreement between the parties entitled to the same; but if there be no such written agreement, then one-half to the owners of the vessel.

other half to the officers and crews, according to the rules prescribed for the distribution of prize money in the regular Navy.

SEC. 5. All vessels, goods and effects, the property of any citizen of the Confederate States, or any persons resident in and under the protection of the Confederate States, or of the persons permanently within the territories, and under the protection of any foreign prince, Government or State in amity with the Confederate States, which shall have been captured by the forces of the United States of America, and recaptured by vessels commissioned under this act, shall be restored to the lawful owners, upon payment by them of a just and reasonable salvage, to be determined by the agreement of the parties mutually concerned, or by the decree of any court having competent jurisdiction. And such salvage shall be distributed amongst the owners, officers and crews of the vessels making such captures, according to the manner and upon the principles heretofore provided for in cases of capture and prize.

SEC. 6. The owners, officers and crews of vessels commissioned under this act, shall be entitled to receive from the treasury of the Confederate States twenty-five per cent. of the value of every armed vessel, or military or naval transport, in the service of the United States, which they may burn, sink or destroy; and the sum of twenty-five dollars for every prisoner captured on board such vessel or transport and brought into the Confederate States. And the Secretary of the Navy is hereby authorized to distribute the compensation accruing under this section in the same manner and on the same principles as are hereinbefore provided in case of prize and capture. All questions of relative or assimilated rank between the regular and volunteer Navy, shall be decided by the President.

SEC. 7. The remaining ten per cent. of all prize and compensation money, accruing under this act, shall be paid into the Treasury of the Confederate States, to be held by the government as a fund for the maintenance of such persons as may be wounded, and of the widows and orphans of those slain while engaged in such service, to be assigned and distributed as shall hereafter be provided for by law.

Approved April 18, 1863.

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